

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

ERIC PINEDA

PLAINTIFF

V.

NO. 4:17-CV-8-DMB-JMV

**C.E. DUCART and
LIEUTENANT D. STONE**

DEFENDANTS

ORDER OF DISMISSAL

On May 8, 2017, United States Magistrate Judge Jane M. Virden issued a Report and Recommendation recommending that Eric Pineda's claims be dismissed for failure to state a claim. Doc. #8. The Report and Recommendation warned that failure to file written objections within fourteen days would limit review of the Report and Recommendation to plain error. Pineda acknowledged receipt of the Report and Recommendation on May 18, 2017, but did not file objections.

Where objections to a report and recommendation have been filed, a court must conduct a "de novo review of those portions of the ... report and recommendation to which the [parties] specifically raised objections. With respect to those portions of the report and recommendation to which no objections were raised, the Court need only satisfy itself that there is no plain error on the face of the record." *Gauthier v. Union Pac. R.R. Co.*, 644 F.Supp.2d 824, 828 (E.D. Tex. 2009) (citing *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996)) (internal citations omitted).

The Court has reviewed the Report and Recommendation and found no plain error. Accordingly, the Report and Recommendation [8] is **ADOPTED**. Pineda's claims are

DISMISSED without prejudice. A final judgment consistent with this opinion will issue separately.

SO ORDERED, this 16th day of January, 2018.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE